
COUNTY OF SAN DIEGO

CEQA GUIDELINES

Revised Version
Adopted by
Board of Supervisors
February 28, 2006

CERTIFICATE OF ADOPTION

I hereby certify that this is the text of the **County of San Diego CEQA Guidelines**, as amended by POD 05-072, and that it was considered by the San Diego County Planning Commission on 16th day of December 2005 and approved by the San Diego County Board of Supervisors on the 28th day of February 2006.



Attest: Gary L. Pryor, Director
Department of Planning and Land Use

Text

Latest Amendment February 28, 2006

Amended May 21, 1997

Adopted April 6, 1983

COUNTY OF SAN DIEGO CEQA GUIDELINES

Table of Contents

1.	Introduction.....	1
2.	Purpose	1
3.	Severability of Provisions	2
4.	Department Procedures	2
5.	Pre-Application Consultation and Due Diligence Assistance	2
6.	Exempt Projects	2
7.	Initial Studies	5
8.	Guidance for Determining Significance	5
9.	Technical Studies	5
10.	Determination to Prepare CEQA Documentation	6
11.	Negative Declarations	6
12.	Draft and Final EIRs	6
13.	Agency/Public Review	6
14.	Interjurisdictional Document Reviews	6
15.	Responsibilities.....	6
16.	Time Periods	8
17.	Approved Consultants	8

Attachments

A.	Guidelines for County of San Diego CEQA Consultant List for Privately Initiated Projects	A-1
B	Typical Memorandum Of Understanding	B-1

1. Introduction

The following guidelines are adopted by the Board of Supervisors of the County of San Diego pursuant to Section 21082 of the California Public Resources Code (Environmental Quality Act of 1970, "CEQA"), and Section 15022 of Title 14 of the California Administrative Code, Guidelines for Implementation of the California Environmental Quality Act of 1970 (hereinafter referred to as the "State CEQA Guidelines" as amended).

2. Purpose

The purpose of these guidelines is to provide objectives, criteria, and procedures for the orderly evaluation of projects and the preparation of CEQA documents pursuant to CEQA and the State CEQA Guidelines. The County CEQA Guidelines are intended to supplement the State CEQA Guidelines for practical application to specific projects approved or undertaken by the County of San Diego. The following procedures,

therefore, do not replace or supplant the State CEQA Guidelines, but are to be used in conjunction with them. All definitions and requirements of the State CEQA Guidelines are included and made part of these procedures by this reference. If the application of any procedure contained in the County Guidelines conflicts with any provision of the State CEQA Guidelines, the provision of the State CEQA Guidelines shall control.

3. Severability of Provisions

If any section, subsection, sentence, clause, or phrase of these procedures is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of these procedures, it being hereby expressly declared that these procedures and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, adopted, approved, or ratified irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

4. Department Procedures

A County agency, department or other division responsible for processing a permit or similar entitlement, or for initiating a County project, are herein referred to as a "Processing Department." Processing Departments should prepare administrative procedures consistent with these Guidelines to facilitate the orderly processing of applications and projects within each such agency or department.

5. Pre-Application Consultation and Due Diligence Assistance

Article 5 of the State CEQA Guidelines states a lead agency shall provide pre-application consultation, upon the request of a potential applicant and prior to the filing of a formal application for a potential discretionary project. The pre-application consultation shall consider the range of actions, potential alternatives, mitigation measures, and any potential significant effect on the environment of the potential project.

Pre-application consultation shall be mandatory for all privately initiated projects under the jurisdiction of the Planning Commission or Board of Supervisors, unless waived by the Processing Department.

The requirement for mandatory pre-application consultation will not preclude applicants from requesting due diligence assistance from applicable Processing Departments.

6. Exempt Projects

Articles 18 and 19 of the State CEQA Guidelines identify projects that are statutorily and categorically exempt from the requirements of CEQA. Specifically, Section 15268 of the State CEQA Guidelines specifies that ministerial projects are exempt from the requirements of CEQA. Sections 15300 to 15332 describe classes of projects that have

been determined to not have a significant effect on the environment and therefore are exempt from CEQA (Categorical Exemptions). These exemptions shall not be applied to projects that are covered by a previous EIR or Negative Declaration, which generally are evaluated pursuant to Section 15162 of the State CEQA Guidelines.

The following table lists typical activities that the County has found to be within the exemptions identified in the State CEQA Guidelines. **NOTE: Section 15300.2 of the State CEQA Guidelines sets forth a number of exceptions to categorical exemptions. Prior to the use of any categorical exemption, a proposed activity is reviewed for these exceptions based on initial research, a site visit if determined necessary, and other available relevant documentation.**

Permit/Activity Type	Activity	Typical CEQA Exemption
Administrative Permit	Accessory Apartment (Z.O. §6156w)	Categorical (Class 3)
Administrative Permit	Accessory Living Quarters (Z.O. §6156l)	Categorical (Class 3)
Administrative Permit	Administrative Exception for Additional Fence or Wall Height (Z.O. §6108i)	Categorical (Classes 1, 2, or 5)
Administrative Permit	Exception for Fence Height, Tennis Court, Fencing and Gate Superstructure (Z.O. §6108h)	Categorical (Classes 1, 2, or 5)
Administrative Permit	Family Day Care Home for Children, Large (9 to 14 children). Z.O. §6156 y.	Statutory (Guidelines §15274)
Administrative Permit	Farm Employee Housing. Z.O. §6156 u.	Statutory (Guidelines §15276)
Administrative Permit	Clearing for Agricultural Purposes	Categorical (typically Class 4)
Administrative Permit	Host Home. Z.O. §6156 b.b.	Categorical (Classes 1 or 3)
Administrative Permit	Oversized Structures. Z.O. §6156 a, g and h.	Categorical (Classes 1, 2, or 5)
Administrative Permit	Sign, Temporary Off-site. Z.O. §6207 b1 and b4.; Off-Premise Signs (Billboards). Z.O. §6205; Commercial or Industrial Center Identification Signs. Z.O. § 6207 b. 5; Roof Signs. Z.O. § 6265.	Categorical (Classes 3 or 11)
Agricultural Preserve	Standard Application to Establish a Preserve	Categorical (Class 17)
Agricultural Preserve	Amendment to the Preserve	Categorical (Class 17)
Agricultural Preserve	Contract Amendment	Categorical (Class 17)
Alcoholic Beverage License Finding B/S Policy I-121	N/A	Not a "Project" (Guidelines §15378)
Boundary Adjustment, Co. Code §81.90, Z.O. §6903	N/A	Categorical (Class 5)
Certificate of Compliance, Co. Code §81.1104	Standard Application; Designated Remainder Parcel	Ministerial or Categorical (Class 21) ¹
Department of Parks and Recreation Trail Maintenance	Existing trail, trail head, staging areas and other trail related facilities maintenance, repair, or minor alteration	Categorical (Class 1)
Department of Public Works Infrastructure Maintenance	Existing road paving and maintenance, sidewalk maintenance or minor alteration, maintenance of pedestrian trails or bicycle paths, culvert maintenance and sewer maintenance.	Categorical (Class 1 & 2)

Department of Public Works Right of Way Related Permits	Right of Way Construction Permit	Categorical (Class 3)
	Right of Way Encroachment Permit	Categorical (Class 1)
	Right of Way Excavation Permit	Categorical (Class 1)
Environmental Health Permits	Septic tank permits, trailer permits, well permits and percolation tests on existing lots where no potential exists for impact to the environment	Ministerial
Grading Permits Associated with Building Permit for One Single Family Residence	N/A	Categorical (Class 3)
Landscape Plan, Z.O. § 6713	Conceptual Landscape Plans	Ministerial or Categorical (Classes 3 or 4) ²
Leasing	New leases or renewals where there is only minor or no change to existing structures and where the new use will result in substantially the same environmental conditions	Categorical (Class 2)
Minor Use Permit, Z.O. §7350.	Second Dwelling Unit	Categorical (Class 3)
Plan Amendment Authorization	N/A	Statutory (Guidelines §15262)
Remandment of Access Rights	Remandment of previously relinquished access	Categorical (Class 5)
Restoration Plan	Restoration plans resulting from enforcement action which requires an offender to restore habitats or natural conditions to the condition prior to the unauthorized action	Categorical (Class 21)
Road Vacation	Vacate Irrevocable Offer to Dedicate	Categorical (Class 5)
Site Plan Review	B and D design review including Modification	Categorical (Class 5) ³
Site Plan Review	J design review including Modification	Categorical (Class 3) ⁴
Tentative Map	Condominium Conversion	Statutory (Guidelines §15282(f)) for Mobile Home Parks or Categorical (Class 1)
Tentative Parcel Map	Condominium Conversion	Statutory (Guidelines §15282(f)) for Mobile Home Parks or Categorical (Class 1)
Variances Z.O. §7100	N/A	Categorical (Class 5)

¹ Exempt as ministerial when the certificate of compliance is issued as the final step of the tentative map or tentative parcel map process or on lots created legally before implementation of the tentative parcel map process (1972). Class 21 Categorical Exemption may apply in areas with an average slope of less than 20% which do not result in any changes in land use or density.

² Exempt as ministerial when review of only ministerial standards is required by a licensed landscape architect. When review of discretionary standards is required, Classes 3 or 4 Categorical Exemptions may apply.

³ Class 5 Categorical Exemption applies where review is required by the Community Design Review ("B") Designator strictly for the purpose of architectural and/or landscape controls. "D" Designator Site Plans associated with Residential development in the Steele Canyon Specific Plan Area are exempt pursuant to State CEQA Guidelines §15182.

⁴ Class 3 Categorical Exemption applies for new, single family residences and small accessory structures within the Julian Historical District normally ministerial and where the location is not recognized for historical significance.

7. Initial Studies

Upon determining that an application for discretionary approval is complete or initiation of a public project by a Processing Department, the County will determine whether or not a proposed action is exempt from the requirements of CEQA. If it is not exempt, an Initial Study may be prepared to determine if the project may have a significant effect on the environment. Processing Departments may prepare Initial Study templates based on Appendix G of the State CEQA Guidelines (with modifications where determined necessary) and may prepare administrative procedures to aid the preparation of the Initial Study. The preparation of the Initial Study should be based on a comprehensive project description, initial research, site visit, technical studies (if determined necessary), and other available and relevant documentation.

8. Guidance for Determining Significance

Processing Departments shall prepare and maintain administrative guidance for determining the significance of environmental effects. Such guidance, if available, should be utilized in the preparation of Initial Studies and EIRs and updated periodically. Processing Departments shall establish a technical advisory committee to provide peer review and technical input on the preparation of such guidance for each subject area. Before any administrative guidance or revisions are adopted by the Processing Department, the proposal shall be circulated for public review and comments.

9. Technical Studies

Technical studies may be necessary for the preparation of Initial Studies (the County refers to such technical studies as Extended Initial Studies) and EIRs (see Section 12). These studies may be prepared by County staff or a consultant approved by the County in accordance with Section 18 of these Guidelines and shall be reviewed and accepted by County staff.

Processing Departments shall prepare administrative requirements for the scope of technical analysis, technical study format, and technical study content. If such requirements are prepared, they shall be followed unless an exception is given by the Processing Department. Processing Departments shall establish a technical advisory committee to provide peer review and technical input on the preparation of such requirements for each subject area. Before any administrative requirements or revisions are adopted by the Processing Department, the proposal shall be circulated for public review and comments.

10. Determination to Prepare CEQA Documentation

The determination that a project is exempt from CEQA or to prepare an EIR or ND shall be at the Director of the Processing Department's or the appropriate approving authority's discretion pursuant to CEQA and the State CEQA Guidelines.

11. Negative Declarations

Negative Declarations and Mitigated Negative Declarations shall be prepared by County staff, pursuant to CEQA and State CEQA Guidelines.

12. Draft and Final EIRs

County staff or a consultant approved by the County in accordance with Section 18 of these Guidelines may prepare EIR documents. Documents prepared by consultants shall be reviewed and accepted by County staff.

Processing Departments shall prepare and maintain administrative requirements for EIR format and general content. Before any administrative requirements or revisions are adopted by the Processing Department, the proposal shall be circulated for public review and comments.

13. Agency/Public Review

Processing Departments shall consult with and obtain comments from other public agencies and members of the public with regard to the environmental effects of projects in accordance with CEQA and the State CEQA Guidelines.

14. Interjurisdictional Document Reviews

Processing Departments may designate staff responsible for reviewing and commenting on CEQA documents prepared by other agencies that are received for review. The Processing Departments should prepare and maintain administrative procedures for conducting interjurisdictional, environmental document reviews. Reviews should be conducted pursuant to such procedures, if available and reviews shall be conducted pursuant to Article 13 of the State CEQA Guidelines.

15. Responsibilities

a) General

The County is responsible for the adequacy of CEQA documents supporting County discretionary approvals.

b) Approving Authority

The approving authority is the decision-making body with delegated authority to approve the discretionary action being considered. The approving authority shall perform such functions as may be required by CEQA or by the Board of Supervisors, including the following:

1. Review public comment(s) regarding the environmental impacts of proposed projects, and review and consider Environmental Impact Reports (EIRs) or Negative Declarations (NDs) prior to approving projects.
2. Determine when a fair argument has been made that a project may have a significant effect on the environment.
3. Adopt NDs and MNDs where proposed projects will not have a significant impact on the environment.
4. Certify that EIRs have been completed in compliance with CEQA and the State CEQA Guidelines.
5. Determine when environmental impacts may be significant and determine mitigating measures, or modifications of the project, that should be made conditions of approval.
6. As a Responsible Agency, (defined in Section 15381 of the State CEQA Guidelines), consider the EIR or ND prepared by the Lead Agency (defined in Section 15367 of the State CEQA Guidelines) and make a determination on whether and how to approve the project involved.
7. Request additional information in cases where it appears an EIR cannot be certified or an ND cannot be adopted without that information.
8. Adopt findings as required by Section 15091 of the State CEQA Guidelines.
9. Adopt Statements of Overriding Considerations when necessary as required by Section 15093 of the State CEQA Guidelines.
10. Adopt programs for the monitoring and reporting of mitigation when necessary as required by Section 15097 of the State CEQA Guidelines.

c) Processing Department

In addition to processing a permit or similar entitlement, or initiating a County project, Processing Departments shall be responsible for the following functions:

1. Assess the potential environmental significance of projects proposed to be undertaken or approved by the County that are subject to the requirements of CEQA, the State CEQA Guidelines and these Guidelines.
2. Determine when a fair argument has been made that a project may have a significant effect on the environment.
3. Prepare CEQA documents and recommendations to the approving authority for projects subject to CEQA, the State CEQA Guidelines and these Guidelines.
4. Review and accept CEQA documents prepared by consultants.
5. Notify the public of the availability for review of CEQA documents pursuant to the notification requirements of CEQA and the State CEQA Guidelines.

16. Time Periods

Time limits are specified in Article 8 of the State CEQA Guidelines.

17. Approved Consultants

The Department of Planning of Land Use will select a list or lists of individual(s) (not firms) that are approved to prepare CEQA documents for the County for privately initiated projects through a Request for Qualifications (RFQ) and selection process, described in Attachment A. Consultant lists shall be reestablished periodically.

Applicants will be responsible for selecting and direct contracting with specific consultants from the County's list to prepare CEQA documents for private projects. Prior to the first submittal of a CEQA document prepared by a listed consultant for a private project, the applicant, consultant, consultant's firm (if applicable) and County shall execute a Memorandum of Understanding (MOU) or similar agreement that addresses payment, communications, confidentiality of information, report preparation and handling, and indemnification. A typical MOU format is included in Attachment B.

Consultants that prepare CEQA documents for County initiated projects will continue to be selected through the standard County procurement processes.

Continuing Education

Consultants selected for placement on the list will be required to attend and participate in County trainings for their applicable subject area. The County shall conduct routine training for all consultants to ensure that all selected consultants are informed of all applicable legal and technical updates. Also, consultants may be required demonstrate completion of external continuing education in their selected field. The requirements for continuing education will be specified in each RFQ.

COUNTY OF SAN DIEGO CEQA GUIDELINES

ATTACHMENT A

GUIDELINES FOR COUNTY OF SAN DIEGO CEQA CONSULTANT LIST

FOR PRIVATELY INITIATED PROJECTS

All technical studies and environmental impact reports (EIRs) for privately initiated projects shall be prepared by a consultant on the County of San Diego CEQA Consultant List for Privately Initiated Projects, to be further known as the "CEQA Consultant List." The CEQA Consultant List shall be published, maintained and administered by the Department of Planning and Land Use (DPLU), in coordination with the Department of Public Works (DPW). Publicly initiated CEQA projects will continue to use standard procurement processes for consultant selection. Once a list has been established for a specific CEQA subject area, project applicants must select and directly contract with a consultant from the "CEQA Consultant List," unless otherwise stated in these Guidelines. When an applicant selects consultants from the CEQA Consultant List to prepare such documents, a memorandum of understanding (MOU) between the applicant, the consultant(s) and the County of San Diego must be executed. This MOU defines the roles, limitations and requirements of the parties involved.

I. CEQA SUBJECT AREAS FOR APPROVED CONSULTANTS

The Director of DPLU, in coordination with the Director of the Department of Public Works (DPW) shall maintain and publish a list of approved individuals (not firms), for the following subject areas:

- Agricultural Resources
- Air Quality
- Archaeological Resources
- Biological Resources
- Geology
- Groundwater
- EIR Preparer
- Fire Protection Planning
- Hazardous Materials
- Historic Resources
- Land Use Planning
- Noise
- Revegetation Planning
- Transportation & Traffic
- Visual Analysis

Private project applicants must select consultants from the published CEQA Consultant List. Consultants selected shall only prepare County documents in subject areas for which they have been approved.

No list will be maintained for hydrology and stormwater management planning. With the exception of minor stormwater management plans, only registered engineers registered in the State of California shall be permitted to submit hydrology/drainage studies and only registered engineers or Certified Professionals in Storm Water Quality certified by CPESC, Inc., or an equivalent entity approved by the Director of Public Works, shall be permitted to submit stormwater management plans.

A. Subject Areas Not Listed

Under certain circumstances, a need may arise for technical studies to be prepared in subject areas other than those listed above. In such scenarios, project applicants shall recommend a specialized consultant to prepare such studies subject to the discretionary approval of the Director of DPLU or the Director of DPW. Any such approved consultant will have to execute an MOU.

B. Approved Consultant Unable To Complete Work

In the event that an individual approved consultant is unable to complete work, another consultant on the CEQA Consultant List for the specific subject area must be selected. As necessary, the Director of DPLU, in coordination with the Director of DPW, has the discretion to allow the firm listed as a party in the MOU (if applicable), to complete any unfinished EIRs or technical studies for projects associated with the approved consultant.

II. MEMORANDUM OF UNDERSTANDING

Individual consultants placed on the CEQA Consultant List, and the consultant's employer (if applicable), will be required to execute an MOU form approved by County Counsel, with the applicant and County for each project. The MOU shall address communications, confidentiality of information, report preparation and handling, contractual limitations and indemnification. The MOU shall also specify the obligations of the consultant with respect to performance standards and professional expectations. Attachment B of the County of San Diego CEQA Guidelines is a sample of a typical MOU, which covers the basic provisions that will be required.

III. TRANSITIONAL PROCEDURES

The transitional procedures in this section are meant to serve as the guidelines during the transition from the prior "Environmental Consultant List" ("Prior List") to the current "CEQA Consultant List" ("Current List") and as future lists for each subject area on the CEQA Consultant List become re-established.

After February 28, 2006, the Prior List will be closed and new no new applications will be accepted from consultants for placement on the Prior List.

A. Transition From Prior “Environmental Consultant List” to Current “CEQA Consultant List”

This section applies to projects submitted to the County prior to the adoption of the County CEQA Guidelines on February 28, 2006 and until a list has been published for applicable and aforementioned subject areas on the CEQA Consultant List. Request for Qualifications (RFQs) for all the subject areas will be batched in groups based on priority and demand. These subject areas will not be processed all at once for logistical reasons.

1. Projects Submitted Prior to February 28, 2006

Applicants who have submitted privately initiated projects to the County and have contracted with consultants from the prior “Environmental Consultant List” (“Prior List”) to prepare CEQA documents before February 28, 2006, may continue to use the contracted consultants from the Prior List. Consultants listed on the Prior List working on unfinished EIRs or technical studies will be allowed to complete such reports.

If an applicant decides to change consultants after February 28, 2006, the applicant shall be required to choose a consultant from the current County CEQA Consultant List (“Current List”) and execute a MOU. If a list of consultants for the applicable subject area has not been published as a part of the Current List, the applicant must choose another consultant listed on the Prior List and execute a MOU.

2. Projects Submitted After February 28, 2006

Applicants who submit privately initiated projects to the County after February 28, 2006, must choose from the consultants in the applicable subject areas on the Current List and execute an MOU. If a list of consultants has not been published for an applicable subject area on the CEQA Consultant List, the applicant must choose a consultant from the Prior List and execute an MOU.

If a study is requested for a subject area listed under Section I, but was not on the Prior List and has not been published on the Current List, project applicants shall recommend a specialized consultant to prepare such studies and obtain approval from the Director of DPLU or the Director of DPW and execute an MOU.

B. Transition When the CEQA Consultant List is Periodically Re-established

When the Current List is periodically re-established (“Re-established List”), applicants who have submitted privately initiated projects to the County prior to the approval of a Re-established List and have contracted with consultant(s) from the Current List to prepare CEQA documents, may continue to use the

contracted consultant(s) from the Current List. Consultants listed on the Current List working on unfinished EIRs or technical studies will be allowed to complete such reports.

If an applicant decides to change consultants after a subject area list has been re-established, the applicant shall be required to choose a consultant from the Re-established List and execute a MOU.

IV. QUALIFICATION BASED SELECTION PROCESS & GUIDELINES FOR THE CEQA CONSULTANT LIST

The following framework outlines the maintenance of and selection process for the County of San Diego CEQA Consultant List. The Director of DPLU, in coordination with the Director of DPW will maintain the required forms and procedures to implement this process. RFQs will be posted in the local newspaper, the County of San Diego DPLU website (<http://www.sdcounty.ca.gov/dplu/>), and on the websites or publications of respective professional societies.

The number of individual consultants required for each subject category will be determined during a qualification-based selection process by the Selection Committee. These numbers will be based on several factors including historical data available on the number of studies that were requested over a time period, the workload capacity of consultants, qualifications of the applicant pool and the projected need of the aforementioned departments. Before a subject area list is periodically re-established, the Director of DPLU, in coordination with the Director of DPW may need to add additional consultants to the list, due to either removal of consultants from the list, increased workloads or demand. Additional consultants will be candidates who have qualified and been ranked through this RFQ selection process. The top-ranked candidates will be selected.

A. Statement of Qualifications Requirements

Periodically, the Director of DPLU, in coordination with the Director of DPW, shall advertise RFQs for each subject area as indicated above. Such RFQs will specify subject-specific qualifications, requirements and application questions which will be used in the evaluation of the consultant. For consideration to be on the CEQA Consultant List, consultants must reply to the RFQ with an application package containing at least the following basic elements:

- Statement of Qualifications form, which demonstrates satisfaction of specified education, training, any applicable professional registrations/licenses and experience qualifications. Minimum qualifications will be detailed in each RFQ.
- Supplemental questionnaire responses (if applicable).
- References of public and private clients on past EIRs or technical studies.
- A copy of an EIR or technical study prepared by the consultant within the last 5 years in the subject field of consideration.

B. Qualification Evaluation Process and Qualifications Committee

The completed Statement of Qualifications form, sample of work, responses to supplemental questionnaire and associated documents will be evaluated based on the criteria listed below:

- **Past performance** on projects of similar scope and nature in terms of cost control, quality of work and compliance with performance schedules and standards.
- **Sample of Work & Supplemental Questionnaire Responses**
- **Professional qualifications** necessary for satisfactory performance of the required service.
- **Specialized experience** and technical competence in the type of work required.
- **Availability of the Consultant** relative to how often and consistent the consultant will be available for both scheduled meetings and meetings requested at short notice.
- **Capacity** to accomplish the work in the required time.

Details regarding timelines and how this process will be implemented will be set forth in the RFQs.

For each subject area, the Director of DPLU, in coordination with the Director of DPW, shall designate a *Qualifications Committee*, which will include a minimum of three (3) County staff, including a staff subject area specialist (if applicable), to evaluate and rate application packages submitted pursuant to an RFQ. Application packages shall be initially ranked based on the criteria listed above.

C. Final Selection Process and Selection Committee

Generally, the *Selection Committee*, should be different from the *Qualification Committee* for the purposes of objectivity; however, the *Selection Committee* may also perform the roles of the *Qualifications Committee* depending upon the number of respondents. Interviews will be administered by the *Selection Committee*, composed of a minimum of three (3) County staff, as determined by the Director of DPLU, in coordination with the Director of DPW. The *Selection Committee* will decide how many of the rated consultants from the qualification evaluation process will be invited to an interview. The interview may include both oral and written responses to questions, which demonstrate competency in the respective subject area.

After interviews and in cases with no interviews, the *Selection Committee* will rank and make recommendations on the final consultants to be placed on the CEQA Consultants List for each applicable subject area. The Director of DPLU, in coordination with the Director of DPW, will make the final decision regarding

placement on the CEQA Consultant List, based on the *Selection Committee's* recommendation.

D. Continuing Education

Consultants selected for placement on the list will be required to attend and participate in County trainings for their applicable subject area. Also, consultants may be required demonstrate completion of external continuing education in their selected field. The requirements for continuing education will be specified in each RFQ.

VI. REMOVAL FROM THE LIST

Consultants may be removed from the CEQA Consultant List or prior Environmental Consultant List, at any time for any of the following reasons:

- Failure to maintain general standards of professional ethics and performance as specified by the Directors of DPLU and DPW;
- Breach of the performance standards listed below or as specified by project MOU:
 - Compliance with State and County CEQA Guidelines.
 - Compliance with direction regarding clarification and/or correction of documents.
 - Accuracy of technical data, i.e. biological resource mapping, archaeological site mapping, use of current available traffic count data, use of proper computer programs for data analysis.
 - Use of appropriate field techniques.
 - Readability, clarity, and format of documents.
 - Sufficient factual statements provided to support conclusions.
 - Analyses reflect all applicable local, State and Federal rules, regulations, ordinances, and laws.
 - Quality of judgment, i.e., objective and scientific, regarding determination of environmental significance of impacts.
 - Mitigation measures proposed which are appropriate to the project and County regulatory procedures.
 - Compliance with timelines.
 - Lack of responsiveness
 - Consistently produce inadequate reports
- Failure to attend mandatory training sessions as may be required with adequate notice by the Directors of DPLU or DPW;
- A written request to either the Director of DPLU or DPW from the consultant requesting removal from the list.

A. Appeals

Any decision by the Director of DPLU or DPW regarding removal of a consultant from the list may be appealed to the Deputy Chief Administrative Officer (DCAO) of the Land Use Environmental Group (LUEG).

COUNTY OF SAN DIEGO CEQA GUIDELINES

ATTACHMENT B

THIS IS AN EXAMPLE OF A TYPICAL MEMORANDUM OF UNDERSTANDING. THE FORMAT AND CONTENT OF THIS DOCUMENT MAY BE MODIFIED FOR PRACTICAL AND LOGISITICAL REASONS AT THE DISCRETION OF COUNTY COUNSEL.

MEMORANDUM OF UNDERSTANDING TECHNICAL STUDY / ENVIRONMENTAL IMPACT REPORT PREPARATION AND HANDLING OF PROJECT #/ PROJECT ADDRESS/"PROJECT NAME"

THIS AGREEMENT, hereinafter referred as the "MOU", is made and entered into by and between the County of San Diego, ("COUNTY"), (APPLICANT'S NAME) ("APPLICANT"), (CONSULTANT'S NAME) ("CONSULTANT"), and (FIRM) WHICH EMPLOYS THE CONSULTANT, IF APPLICABLE for the purpose of establishing rights and responsibilities of all undersigned parties hereto in relation to the preparation and handling of a TECHNICAL STUDY / or ENVIRONMENTAL IMPACT REPORT ("EIR") for the above referenced project.

THE COUNTY, APPLICANT, CONSULTANT AND FIRM (IF APPLICABLE) do hereby agree as follows:

1. GENERAL TERMS

- a. The COUNTY is the Lead Agency with the land use and planning jurisdiction in the above-referenced project area of unincorporated San Diego County, as it pertains to the California Environmental Quality Act ("CEQA").
- b. The APPLICANT has submitted an application for development of the above-referenced project. The COUNTY has determined that the project necessitates the preparation of a TECHNICAL STUDY or an EIR.
- c. The CONSULTANT is a professional environmental consultant included on the County official CEQA Consultant List for the applicable Subject Area. The "CONSULTANT" hereinafter refers to the Consultant as well as the FIRM, which employs the consultant (if applicable).
- d. The APPLICANT, CONSULTANT, and COUNTY agree that CONSULTANT has the primary responsibility to ensure that the TECHNICAL STUDY / EIR is adequate. COUNTY review is for the benefit of the public generally and not for the benefit of the APPLICANT or CONSULTANT.

- e. The APPLICANT and CONSULTANT shall be responsible to ensure that all SUB-CONSULTANTS comply with all terms and conditions set forth in this MOU.
- f. The CONSULTANT and all SUB-CONSULTANTS shall not be a subsidiary or division of the APPLICANT.
- g. The CONSULTANT/SUB-CONSULTANTS shall not have an ownership interest in the project. Additionally, the CONSULTANT/SUB-CONSULTANTS shall not accept performance incentives associated with a certain density, intensity, or configuration of development. This prohibition does not preclude performance incentives related to project schedules or overall approval.
- h. The APPLICANT shall be responsible for one-hundred percent (100%) of TECHNICAL STUDY / EIR preparation, review and distribution costs incurred by the COUNTY and the CONSULTANT.
- i. By signing this MOU, the CONSULTANT certifies that it and all its SUB-CONSULTANTS will disclose to the COUNTY all pertinent environmental information and that no pertinent information will be omitted or deliberately withheld from the COUNTY at the request of the APPLICANT or any other party.
- j. The APPLICANT and the CONSULTANT/SUB-CONSULTANTS have not and will not enter into any form of confidentiality agreement that prohibits disclosure of information to the COUNTY or other public agencies. This provision may be waived at the discretion of the COUNTY, if such an agreement would reveal a trade secret as defined by Government Code Section 6254.7.

2. TECHNICAL STUDY / EIR PREPARATION AND SUBMITTAL

- a. The CONSULTANT shall draft the TECHNICAL STUDY / EIR in accordance with CEQA, CEQA Guidelines, COUNTY CEQA Guidelines and direction from COUNTY staff regarding standardized content and format requirements.
- b. The APPLICANT and CONSULTANT shall ensure that the TECHNICAL STUDY / EIR and all related documents are prepared utilizing accurate and verifiable field techniques and professional work performance standards and are in conformance with all applicable CEQA requirements and County, State and Federal rules, regulations and laws.
- c. The CONSULTANT shall verify that all TECHNICAL STUDY / EIR documents represent its complete and independent judgment and analysis

of the project- environmental setting, issues, potential impacts and mitigation associated with the project. All CEQA documents shall reflect the independent judgment of the COUNTY. Special studies shall be certified/signed as true and accurate by the CONSULTANT.

- d. The CONSULTANT/SUB-CONSULTANTS shall submit all CEQA documents to the COUNTY concurrent with submittal to the APPLICANT. The COUNTY shall monitor and review any subsequent changes to the CEQA documents before the APPLICANT/CONSULTANT resubmits the documents for formal review through COUNTY screen check and public review processes. This does not preclude the APPLICANT from commenting on the contents of the environmental document.
- e. The COUNTY shall retain the right to attend meetings between the APPLICANT and the CONSULTANT and/or SUB-CONSULTANTS, when such meetings include discussion of substantive land use or environmental issues and has the right to request such meetings. The COUNTY shall be provided with reasonable notice of all such meetings at the earliest time possible and no less than one business day. Upon the request of the COUNTY, the CONSULTANT/SUB-CONSULTANT shall provide a verbal summary of all salient land use and environmental issues discussed at meetings the COUNTY does not attend.
- f. The COUNTY PROJECT MANAGER shall be copied on all project related emails and written correspondence between the APPLICANT and CONSULTANT/SUB-CONSULTANTS regarding substantive land use or environmental issues, unless waived by the COUNTY.
- g. Upon request, the CONSULTANT/SUB-CONSULTANTS shall submit all field notes, resource documents and supplemental technical studies used in the preparation of the TECHNICAL STUDY / EIR.
- h. Upon request, the CONSULTANT/SUB-CONSULTANTS shall submit its contract with the APPLICANT. Any cost estimates or hourly rates may be blacked out or omitted.

3. EXPIRATION

The MOU shall expire at the time the project and the TECHNICAL STUDY / EIR become administratively final by the authorized County decision-maker (PLANNING COMMISSION and/or BOARD OF SUPERVISORS), and after all legal challenges associated with the project and the TECHNICAL STUDY / EIR have been finally adjudicated.

IN WITNESS WHEREOF, the COUNTY, the APPLICANT and the CONSULTANT/FIRM have caused this agreement to be executed. Further, the APPLICANT and CONSULTANT, under penalty of perjury, agree that all documents submitted to the COUNTY are in conformance with all requirements set forth in this MOU.

ATTESTED:

COUNTY OF SAN DIEGO

APPLICANT

Director of Planning

Principal

Dated:_____

Company Name

Dated:_____

CONSULTANT

FIRM

Consultant

Firm Name

Dated:_____

Principal of FIRM

Dated:_____